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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,159	10/20/2003	Kevin L. Kimle	P03566USD1	6394
22885 7590 02/21/2008 MCKEE, VOORHEES & SEASE, P.L.C. 801 GRAND AVENUE SUITE 3200 DES MOINES, IA 50309-2721				
EXAMINER				
TRAN, HAI				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
02/21/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/689,159

Applicant(s)

KIMLE ET AL.

Examiner

HAI TRAN

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the communication in response to Applicant's Amendment filed on November 21, 2007.
2. Claims 1-28 are pending in this application.

Response to Arguments

3. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objection

4. Objection for claim 25 is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Commodity Trading Manual* ("Manual") and in view of *Hunt et al.* (U.S. Patent No. 5,724,524) ("Hunt").

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

7. **Regarding to Claim 1**, Manual together with Hunt teach a method of facilitating the contracting of agricultural commodities using the Internet comprising the steps of:

providing a web server connected to the Internet (see Hunt, col. 4, lines 41-42 of col. 5; Manual, page 35 where it says "Futures exchanges provide a location for buyers and sellers to meet");

providing in operative communication with the server a centralized database system for the storage and retrieval of data (see Hunt, col. 3, lines 56-61; Manual, page 35 where it says "This activity is centralized on the trading floor of each futures exchange");

storing data in the database system relating to types and amounts of potential commodities desired by one or more commodity buyers (see Hunt, col. 3, lines 56-61; Manual, pages 36 where it says "This is accomplished by futures exchanges through a variety of communication systems. The Chicago Board of Trade's advanced computer system");

in response to a command input into the system, displaying a listing of desired commodities including information related to the types, amounts available of the commodities (see Hunt, col. 3, lines 64-65; Manual, page 194 where it says "Varieties of Corn");

receiving input data from a potential supplier of an commodity relating to a specific type and amount of a commodity which the supplier is willing to supply to a buyer harvest or at other times (see Hunt, col. 3, lines 58-59; Manual, pages 36 where it says "Transactions made on the trading floor must be reported"); and

generating a contract for the sale of the specific type and amount of the commodity by the supplier to the buyer (see Hunt, col. 3, lines 44-55; Manual, pages 315, 324).

8. Manual discloses a process and information related to contracting agricultural commodities including types and amounts of agricultural commodities, trading by buyers desiring agricultural commodities and suppliers willing to supply agricultural commodities and sales contracts for such agricultural commodities. However, Manual does not expressly disclose a web server for buyers and sellers to create a contract on the Internet.

9. Hunt discloses a system and method for listing a commodity and its characteristics in a system in a real-time clock for buyers and sellers to create a contract on the Internet. Hunt discloses all elements in the claim including providing a web sever, providing a centralized database system, storing data, displaying data, receiving input data, and generating contract.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to automate the process taught by Manual using the system as taught by Hunt in order to gain the efficiency and effectiveness for buyers and seller to create a binding

contract on the Internet, and since the claimed invention is merely an automation of a known process, all this would be accomplished with no unpredictable results.

11. **Regarding Claims 2-12**, these are the dependent claims depend of claim 1. Hence, they are rejected as well.

12. **Regarding to Claim 13**, this claim is similar to claim 1 with the exception of updating the listing of commodities (see Manual, page 324, "Trading unit" and the discussion in claim 1 above).

13. **Regarding to Claims 14-23**, these are the dependent claims depend of claim 13. Hence, they are rejected as well.

14. **Regarding to Claims 24-28**, these claims include the necessary database maintaining method, apparatus and processors for implementing the method claims 1-23. They have the same elements and limitations. Hence, they are rejected under the same rationale provide in claims 1-23.

Conclusion

15. Claims 1-28 are rejected.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI TRAN whose telephone number is (571)272-7364. The examiner can normally be reached on M-F, 9-4 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on (571) 272-6712. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. T./

Examiner, Art Unit 3694

/Mary Cheung/

Primary Examiner, Art Unit 3694